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ABSTRACT

This 1999 study assessed whether laws protecting low-income people's rights were being followed and whether people on public assistance were receiving appropriate information about child care. Surveys of 92 parents, predominantly women, indicated that most were concerned about being sanctioned if they were unable to work (often because their caseworker threatened them with this), even if it was due to lack of child care. Over half of the parents received no assistance from their caseworkers in getting child care. Most parents with child care in place relied on informal care. New York City and State have taken some steps to remedy this situation. A memorandum issued to all New York counties advised them of their responsibility to inform parents on public assistance that they cannot be sanctioned if they cannot work due to lack of child care. A notice was issued apprising parents of their child care rights and obligations. Recommendations include ensuring that welfare caseworkers are trained about child care rights and that recipients know their rights and ensuring that child care and welfare advocates, low income parents, and the child care community are involved in decision making. (Contains 33 endnotes.) (SM)

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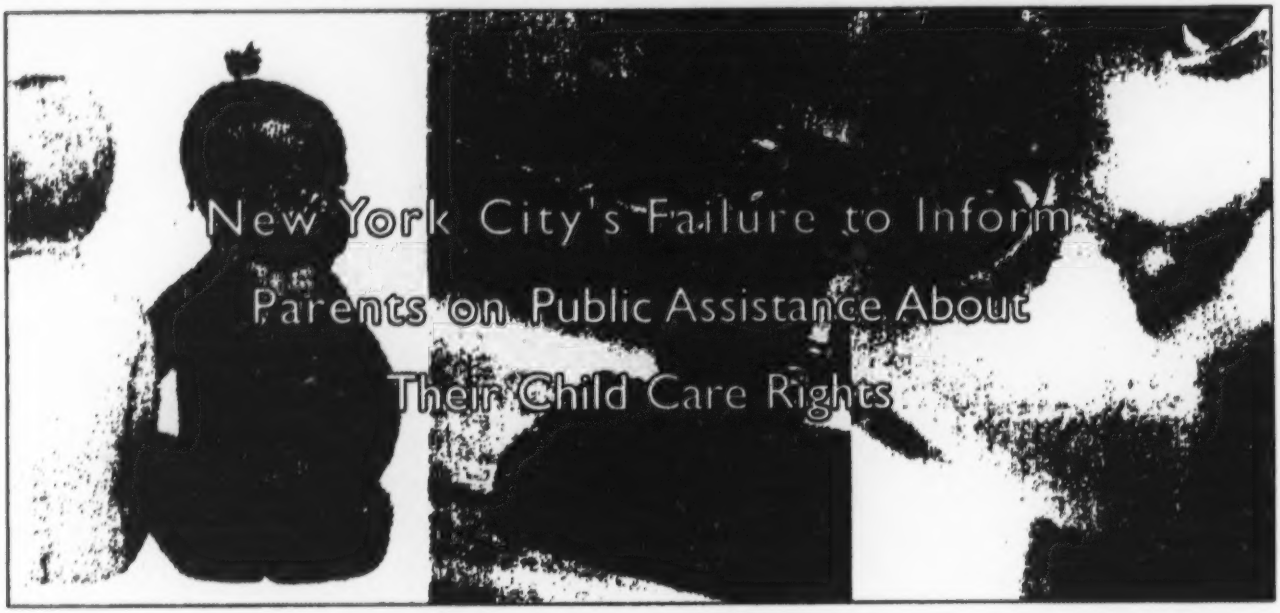

New York City's Failure to Inform Parents on Public Assistance About Their Child Care Rights

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A C K N O W L E D G E M E N T S

This report is a culmination of a group effort by Cleary, Gottlieb, Steen & Hamilton, NOW Legal Defense and Education Fund and the Welfare Law Center to address and try to remedy the obstacles faced by parents on public assistance in obtaining quality child care for their children. In particular, we would like to express our appreciation to Mary Watson and Laurel Watts of Cleary, Gottlieb, Risa Kaufman, Sherry Leiwant and Martha Davis of NOW Legal Defense and Education Fund and Jennifer Light and Rebecca Scharf of the Welfare Law Center for their help in developing this project and seeing it through to the publication of this report. We would also like to thank Ian Adler of Cleary, Gottlieb for his assistance, Sherry A. Blair for creating the graphs used in the report, and the staff and interns at NOW Legal Defense and Education Fund for their help in conducting the surveys. Finally, we would like to acknowledge the parents who took time out of their busy schedules to complete the surveys, the results of which form the basis of this report, and the advocates throughout New York City whose clients' stories served as an impetus for our work on this project.

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T A B L E O F C O N T E N T S

EXECUTIVE SUMMARY 1

INTRODUCTION 4

NEW YORK CITY'S RECORD ON CHILD CARE
FOR FAMILIES RECEIVING PUBLIC ASSISTANCE 6

CHILD CARE PROTECTIONS UNDER FEDERAL AND STATE LAW 8

FINDINGS 10

RECOMMENDATIONS 15

METHODS APPENDIX 18

ENDNOTES 20

E X E C U T I V E S U M M A R Y

The results of a survey conducted by NOW Legal Defense and Education Fund reveal that New York City is failing poor women and children by ignoring laws intended to ensure that poor parents working outside the home for their welfare grant have adequate child care for their children. Since the beginning of welfare reform in 1996, thousands of parents throughout New York City on public assistance have been required to participate in the City's welfare-to-work program[1]. One of the many effects of this change was to create a tremendous demand for child care-after all no parent can work without adequate child care for her children. However, there has not been a sufficient increase in the supply of child care in the City, particularly regulated, high quality care[2]. Consequently, poor parents who need welfare to survive often feel pressured to use child care that may be inappropriate for their children because they fear losing their benefits if they are unable to comply with program requirements that they work outside the home. In New York City, those most affected by these changes are poor single mothers and their children, the vast majority of the City's welfare recipients.

For welfare-to-work programs to succeed, child care must be available for parents required to work in exchange for their benefits. Indeed, because child care is crucial to a parent's ability to move from welfare to work, and because poor care can be detrimental to a child's development, both federal and state law provides certain child care rights as well as protections against sanctions for failure to work if child care is not available to women receiving welfare[3]. However, in the course of providing representation for poor women affected by welfare reform, we discovered that the laws that protect low income women were not being followed, and that women were not aware of the protections in the law.

In order to assess whether the law was being followed, and whether women on public assistance who needed child care were receiving the information they needed, NOW LDEF conducted an empirical study to examine the type of child care information given to parents by their case-

workers. What we discovered was disturbing.

We surveyed 92 individuals (97 percent of whom were women) who are the parents of more than 200 children. Our survey revealed three primary findings:

(1) Most parents were concerned that they would be sanctioned if they were unable to work, even if their reason for not working was lack of child care. Almost half of the parents reported that their caseworkers threatened them with sanctions if they could not get child care;

(2) More than half of the parents received no assistance from their caseworkers in getting child care; and

(3) Most parents with child care in place relied on informal care. The majority of parents without child care either planned to rely on informal care or had no idea what they were going to do.

Of the nearly 100 parents interviewed, the vast majority revealed that they were worried that they would lose their benefits if they could not work even if the reason they were unable to work was lack of child care. Their concern was well-founded. Forty-six percent of our sample reported that their caseworkers threatened them with sanctions if they did not secure child care. Further, more than half of the recipients--55 percent-- reported that their caseworkers offered no help in getting child care. So what did these parents do? Not surprisingly, over half the parents with child care already in place relied on informal care provided by a relative, friend or neighbor[4]. Most parents without child care planned to rely on informal care or had no idea what they were going to do. While informal child care can be completely satisfactory for many children, the instability of relying on a relative, neighbor or friend for regular child care can impede a parent's ability to work and thus comply with welfare reform's work requirements. In addition, the quality of care available may not meet the children's developmental needs[5]. Despite these concerns, another study found that more than 80 percent of the children of public assistance recipients enrolled in welfare-to-work activities or who have recently left welfare for private employment rely on unregulated care paid for by New York City[6]. In contrast, only 3 percent of children from families not on public assistance receiving subsidized child care choose informal care[7]. Although caseworkers are likely to encourage parents to use informal care arrangements as an immediate and inexpensive solution to meeting New York City's goal of moving parents quickly into its welfare-to-work program, this solution might not be best for parents or appropriate for their children[8].

Given the critical link between child care and a parent's ability to comply with the City's welfare-to-work program, it is unacceptable that so many parents do not have adequate information about their rights or child care options. Inevitably, many parents will feel compelled to use care that might be inappropriate or even unsafe for their children if they believe that they will be sanctioned for not participating in their work assignments. This result is even more likely given the shortage of regulated care in New York City.

To their credit, the state and city of New York have taken some steps to remedy this situation. Recently the state issued a Local Commissioner's Memorandum (LCM) advising all New York counties of their responsibility to inform parents on public assistance that they cannot be sanctioned if they are unable to work due to lack of the child care. The state also issued a notice that apprises parents of their child care rights and obligations. In response to the LCM, New York City re-issued a policy directive informing staff of the availability of the notice, and providing instruction for disbursing child care information to clients. While the issuance of the LCM and the policy directive are significant in that they reiterate the City's pre-existing obligation to inform parents of their child care rights, it is important to point out that the City has a record of ignoring precisely these rights. New York City must make every effort to ensure that all parents are informed of their child care rights and options. No parent required to participate in mandatory welfare-to-work activities should feel compelled to place her children in care that might be inadequate because she wrongly believes she will be sanctioned if she does not.

INTRODUCTION

ANDREA M. IS A 32-YEAR OLD MOTHER WHO NEEDS PUBLIC ASSISTANCE to care for her three children, ages ten, five and two. Her oldest child lives in a psychiatric care facility; her middle child exhibits aggressive behavior and needs special care; and her youngest son is currently being evaluated for behavioral problems as well. In February 1999, Andrea received a notice from her welfare office that she would have to report for a work assignment in order to continue receiving public assistance. Because she was unable to locate a child care provider, Andrea left her children with her fiancé while she reported for her work assignment. After her first day, her fiancé, who suffers from severe depression, told her he felt overwhelmed and would not be able to care for the children again. When Andrea told her caseworker that she did not have anyone to care for her children, her caseworker gave her referrals with the names and addresses of two child care providers. Quickly following up on the information, Andrea was dismayed to find that one provider was closed, and the other, which supposedly provided a "classroom setting" for disabled children, was an empty apartment with a mattress on the floor. When Andrea told her caseworker that she could not use either child care provider, the caseworker erroneously informed Andrea that she would be sanctioned if she did not locate a child care provider and comply with her work assignment.

Although Andrea was able to temporarily avoid a sanction, a few months later, Andrea again was called in for a work assignment. She again told her caseworker about her dilemma: that she did not have child care for her children. The worker gave her a list of child care providers and told her that if she did not have child care in place by the following week, her welfare benefits would be reduced. Andrea told her caseworker that she did not believe she could be sanctioned if the reason she could not work was that she could not find child care. The caseworker told her that she was wrong.

Despite great effort, Andrea was unable to locate anyone to care for her children. Although she

informed her caseworker of her diligent search for child care, Andrea's caseworker nevertheless told her that she would lose her benefits for not reporting to her work assignment. With the assistance of NOW LDEF, Andrea filed for an administrative fair hearing where she secured a continuation of her benefits pending the outcome of the hearing. Free from the threat of sanction, and with sufficient time to conduct a search for appropriate child care, Andrea eventually was able to locate a provider able to care for children, enabling her to work knowing that her children were safe and cared for properly.

NEW YORK CITY'S RECORD ON CHILD CARE FOR FAMILIES RECEIVING PUBLIC ASSISTANCE

New York City has a history of failing to adequately inform parents about their child care rights and options. Three years ago, the Public Advocate for the City of New York issued a report examining child care for parents in New York City's welfare-to-work program which made the following findings:

> (1) The City routinely violated the law by not giving parents information and assistance in finding appropriate child care;
>
> (2) The City potentially endangered children by directing increasing numbers of children to unregulated, informal child care arrangements; and
>
> (3) The City violated its own stated goals by undermining parents' ability to move from welfare to work by causing parents to lose needed child care due to bureaucratic mishaps, such as not making timely payments to child care providers.[9]

The Public Advocate's report was prompted by concerns about how New York City would address the increased demand for child care services caused by the new federal welfare law. At the time the report was written, New York City had announced that it would greatly expand its own welfare-to-work program (even beyond the federal requirements) despite the fact that parents already participating in the program were experiencing great difficulty in obtaining child care. Not surprisingly, the report concluded that New York City's failure to address the urgent child care needs caused by the expansion of its welfare-to-work program would only exacerbate New York City's child care shortage, and frustrate the ability of low income parents to make the difficult transition from welfare to work.

In the three years since the Public Advocate's report, New York City's child care situation has not

improved. In fact, it has deteriorated[9]. When the Public Advocate's report was written, New York City only required parents of children over the age of three to participate in work-related activities. Since the advent of federal welfare reform legislation, however, the City has expanded its work requirements to include parents of children three months and older[11]. This difference is considerable in light of the shortage of child care for infants and toddlers. As more fully described below, New York City still fails to ensure that the child care needs of families in its welfare-to-work program are met.

CHILD CARE PROTECTIONS UNDER FEDERAL AND STATE LAW

Parents' Child Care Rights

Parents are entitled to child care assistance if they need child care to work.

Parents cannot be sanctioned if they are unable to work due to lack of child care.

Parents must be given help in obtaining child care if they ask for assistance.

Parents can choose from a full range of child care options.

RECOGNIZING THE CHILD CARE NEEDS OF LOW INCOME PARENTS attempting to comply with work mandates, the state and federal governments have enacted several laws to ensure that parents are able to choose appropriate child care for their children. Parents participating in New York City's welfare-to-work program are protected by both federal and New York State laws. Under federal law, a state may not sanction an individual by reducing or terminating assistance for failure to meet work requirements if the individual is a single parent caring for a child under six years of age and can demonstrate an inability to find appropriate child care.[12] Recipients and applicants for assistance must be told of this protection.[13] Similarly, New York State law prohibits the sanctioning of parents with children under the age of thirteen.[14] Further, under New York law, parents on public assistance with children under the age of 13 who are required to participate in work-related activities are guaranteed child care assistance if they need child care in order to work.[15] When a parent is called in to participate in a work-related activity, her caseworker is required to assess her ability to work and her need for supportive services including child care.[16] Under the law, therefore, caseworkers must address child care issues with their clients to make sure that they will be able to comply with the work requirements. Further, parents are entitled to child care subsidies to help pay for child care while in welfare-to-work programs. They are also entitled to transitional child care benefits when their cases are closed once they have obtained private employment.[17] When a parent demonstrates that she is unable to find child care openings for her child, her caseworker must provide her with two choices of child care providers, at least one of which must be regulated.[18]

Parents who participate in welfare-to-work activities and receive federally funded child care assistance have a right to choose from a variety of child care options, including formal and informal care.[19] Indeed, when welfare reform legislation was enacted, Congress specifically promoted

parental choice as a way to empower working parents to make their own decisions about child care so that they could ensure that their children were cared for in a safe and positive environment.[20] Accordingly, pursuant to federal regulations, parents have the option of either: (1) enrolling their child with a child care provider that has a grant or contract for the provision of child care services; or (2) receiving a child care certificate in order to pay directly for child care services.[21] Under these guidelines, parents must be allowed to choose from a variety of child care categories including: (a) center-based child care; (b) group home child care; (c) family child care; and (d) in home child care.[22]

F I N D I N G S

In order to determine whether New York City is following these laws, we surveyed 92 individuals (97 percent of whom were women) who are the parents of more than 200 children. Our survey revealed three primary findings:

(1) Most parents were concerned that they would be sanctioned if they were unable to work, even if their reason for not working was lack of child care. Almost half of the parents reported that their caseworkers threatened them with sanctions if they could not get child care;

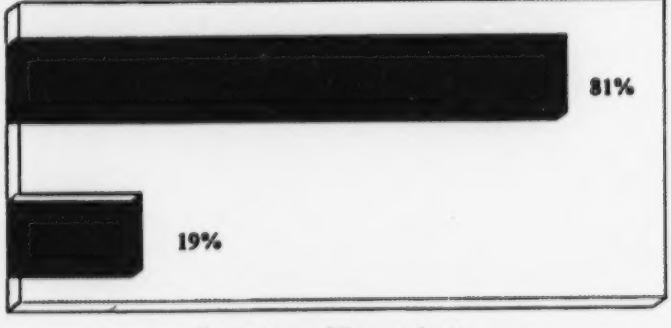
(2) More than half of the parents received no assistance from their caseworkers in getting child care; and

(3) Most parents with child care in place relied on informal care. The majority of parents without child care either planned to rely on informal care or had no idea what they were going to do.

Fear of Sanctions

Although the City may require parents receiving public assistance to participate in work-related activities, it cannot sanction a parent for not complying with a work requirement if she cannot find appropriate child care. Nevertheless, the majority of parents surveyed (59 percent) were worried that they would be sanctioned if they could not work due to lack of child care. We found that even though caseworkers are required by law to inform parents that they cannot be sanctioned if they cannot work due to lack of child care, only 19 percent of the parents interviewed

Almost half (46%) of the parents surveyed reported that their caseworker told them that they would be sanctioned if they did not obtain child care.



Source: NOW LDEF Child Care Survey 1999

reported being informed of this right. Instead, 46 percent were told just the opposite -- that they would be sanctioned if they did not get child care.

Case Study One: ROSEMARY L. is the mother of a 26 month-old boy. When she was called in for a work assignment, she told her caseworker that she did not have child care. Her caseworker suggested that she call a child care provider whose promotional flyers, coincidentally, were scattered throughout the office. After determining that the provider would not be appropriate for her child, Rosemary returned to the BEGIN center.[23] Her caseworker told her that she would have to continue trying to secure child care and gave her information about two other providers. Rosemary could not find one provider at the location indicated (the address was incomplete), and the other would not take children who were not toilet trained. Rosemary returned to the BEGIN center and told her caseworker that despite her efforts she had not secured child care. Instead of assisting Rosemary in obtaining child care, her caseworker told her that she would be getting a notice in the mail. Two months later Rosemary received a letter stating that she would be sanctioned.

Case Study Two: YVONNE H. is a single mother of an 18 month-old child. When she was called in for a work assignment, she told her caseworker that she was unable to participate in the work program because she did not have child care. The caseworker informed her that not having child care was not a valid excuse. She also said that all recipients, regardless of their circumstances, had to participate in the City's work program. The caseworker did not tell Yvonne about the child care exception to the work requirement as required by law. Instead she told her to go home and wait for a notice in the mail regarding sanctioning.

A few weeks later, Yvonne received a notice informing her that the welfare office had determined that she had failed to comply with the work program, and that she had to report to a conciliation appointment. Ironically, Yvonne could not attend the conciliation appointment because she did not have child care. When she called to reschedule the appointment, she was told that the appointment could not be rescheduled and that she would be sanctioned. Before her sanction took effect, Yvonne went to the BEGIN center to explain that she was willing to participate in the program, but that she had no one to care for her child. She told her caseworker that she had visited various child care centers, but could not find one that would accept her child. When her caseworker suggested that she find a babysitter, she explained that her child would do much better in an environment with other children as opposed to being alone with a strange adult. Her caseworker informed her that this was not a sufficient reason for rejecting informal care and advised her to request a fair hearing, the first step in the sanctioning process.

Inadequate Information about Child Care

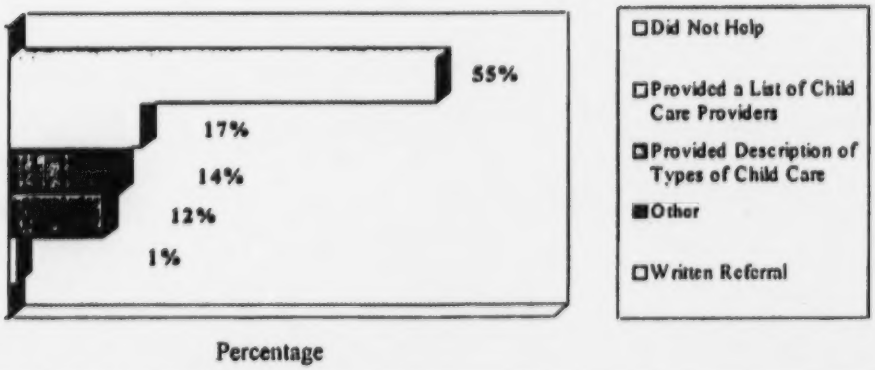
Despite federal and state law requiring caseworkers to give parents information about their child care options, many parents revealed that their caseworkers failed to give them any information at all about child care. In fact, even though every caseworker knew their clients had dependent children, 39 percent of the parents interviewed reported that their caseworkers never even spoke with them about child care. This finding is particularly disturbing considering that so many parents simply do not know where to turn to get child care. When asked what they intended to do about getting child care, 28 percent of parents without child care in place had no idea what they would do.

Of all the parents surveyed, only one parent reported that her caseworker gave her a written referral for child care

While some caseworkers did provide information on obtaining child care, that information was not always helpful. Of all the parents surveyed, only one reported that her caseworker gave her a written referral for a child care provider.[24] More often, caseworkers either gave clients general information describing the types of child care available (14 percent) or provided their clients with a list of child care providers in their borough (17 percent). While a list of child care providers can be helpful, its usefulness is limited if, for example, the list is not up-to-date or does not answer the most important questions about child care providers such as: (1) Does the provider have openings? (2) Is the provider appropriate for their children? (3) Will the provider accept subsidies? and (4) Is it affordable?

As the chart below shows, most caseworkers simply did not aid their clients in obtaining child care.

More than half of the respondents reported that caseworkers did not assist them in obtaining child care.



Twenty-four percent (24%) of parents stated that they would have difficulty obtaining child care due to their child's physical or mental disability.

The following examples illustrate the frustrations caused by the failure of caseworkers to provide adequate information about child care as required by law.

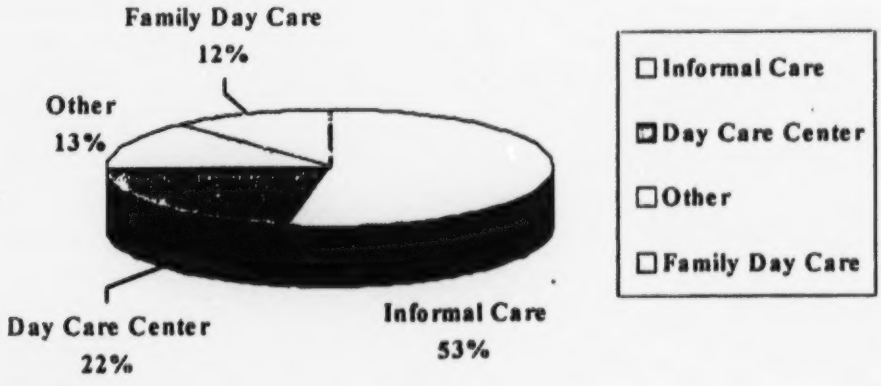
Case Study Three: DOROTHY C. is a mother of a three year-old child. When she was called in for a two-week BEGIN "work study" program scheduled to begin in a few days, her caseworker gave her a long list of child care providers. The child care providers she contacted could not take her child because they were full. She spoke with a caseworker at the BEGIN center who told her he would "take care of it," but he never got back to her. She does not have child care in place and does not know what else to do. Rather than missing work, Dorothy plans to take her child along with her to her work assignment and see what happens.

Case Study Four: MARY E. receives public assistance for herself and her three children, ages six, nine and ten. All three children are in special education programs. Mary was called in for a work assignment that was to begin in two weeks. When she met with her caseworker, Mary was given a list of child care providers in her borough, but not told whether any of them had vacancies or whether they would be able to accommodate her children's special needs. Mary is not sure what she will do about child care when she has to report to her work assignment.

Reliance on Informal Care

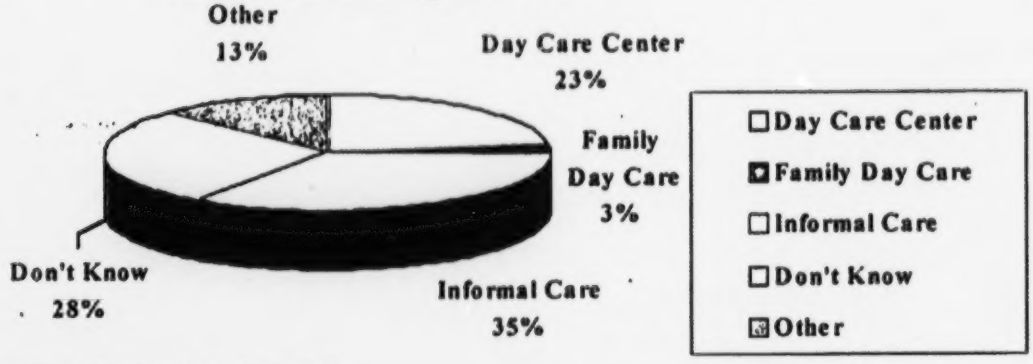
One of the most significant findings of our survey was that most parents use or plan to use informal care arrangements. Reliance on informal care arrangements is made inevitable both by the City's failure to provide parents with adequate information about obtaining child care and the short period of time (10 days) parents have to find child care before beginning their work assignments.[23] A study of New York City parents showed that parents who are given information about other regulated child care options are more likely to choose regulated over unregulated care.[24]

Type of Child Care Used



Source: NOW LDEF Child Care Survey 1999

Plans for Obtaining Child Care



Source: NOW LDEF Child Care Survey 1999

While the use of informal care is not problematic in itself, parents should know that they have a choice. The failure of caseworkers to provide parents with information or adequate time to secure child care effectively leaves parents with no option but to depend on friends or relatives to care for their children. For many families, this type of care is not appropriate for their children or it is so unreliable that parents have difficulty complying with their work requirements.[37]

R E C O M M E N D A T I O N S

No parent on public assistance should feel compelled to place their children in inadequate care so that they can participate in mandatory welfare-to-work activities.

Since the City now requires that parents with children as young as three months participate in work-related activities in order to receive welfare benefits, child care is one of the most crucial issues facing poor women and their children who depend on public assistance. Although New York City cannot sanction parents unable to comply with work requirements due to lack of child care, too many parents do not know this. They also do not know that they are entitled to receive child care subsidies, and to be given basic information about their child care options and help in finding child care if they need it. Since many parents rely solely on the caseworkers managing their work assignments for child care information, it is incumbent upon New York City to ensure that caseworkers are well-trained and provide parents with information on their child care rights and options. Parents should not feel compelled to use inappropriate child care in order to maintain the benefits on which their families depend.

New York City officials have an obligation under both federal and state law to provide parents on public assistance with information about their child care rights and options. They should administer New York City's child care programs to ensure that the programs support the availability of quality care for all children and enable poor parents to work without fear that their children will receive inadequate care.

Specifically, state and local officials should:

1. Ensure that parents who apply for or receive public assistance know that they cannot be sanctioned if their reason for not meeting work requirements is lack of child care. The State of New York recently issued a Local Commissioner's Memorandum (LCM) advising all counties that the final federal regulations implementing the welfare law require states to inform single parents with

children under age 6 that their welfare benefits cannot be reduced or terminated because they are not participating in work activities if the reason they are not participating is lack of appropriate child care. The state has further issued a notice that apprises clients of their child care rights and obligations. Following the issuance of the LCM, the City re-issued a policy directive (Policy Directive #99-71R) informing staff of the availability of the notice and providing instructions for disbursing this and other related child care information to clients. The City should ensure that the notice is consistently given to all applicants and recipients of aid and confirmed with verbal communication of its content.

2. Ensure that parents on welfare and transitioning off welfare are advised of their right to child care subsidies. To prevent the current practice of encouraging poor families to accept cheaper, informal care, which may not be the best care for their children, recipients of public assistance and those moving from welfare to work should be advised that there are child care subsidies available which may make it possible for them to use center-based or licensed care, if that is their preference. All applicants for aid and current and former recipients should be given specific information about subsidies, including how to access and use them. They should also be given lists of licensed child care centers and registered family day care providers which accept subsidies and have space available.

3. Ensure that welfare caseworkers are trained about child care rights. It is crucial that welfare caseworkers understand the importance of high quality child care and understand that the law does not require single parents of young children to work unless appropriate child care is available for their children. Caseworkers must be trained about the federal and state child care protections, specifically that lack of available, suitable child care is reason to excuse parents from work requirements, without the threat of sanctions. They also must be trained on the criteria that child care be "appropriate," "affordable," "suitable" and "a reasonable distance."

4. Ensure that welfare caseworkers follow the LCM and policy directive on this issue, that recipients are told about their child care rights and that caseworkers are not sanctioning recipients for failure to work if the reason is lack of child care. The state has a particular obligation under federal law to ensure that the counties administer their welfare-to-work programs in a manner consistent with federal requirements. The state should conduct periodic monitoring or require the counties to monitor themselves and report to the state.

5. Ensure that women are not pushed into using unregulated care if that is not what they deem

appropriate for their children. There is not enough regulated care to serve all families who want it. Although informal care may be the best solution for many families, many other families would prefer licensed or registered care if such care were available and if they could afford it. Federal law guarantees freedom of choice for parents using federal child care subsidies. This is an empty guarantee, however, if there are no regulated providers with openings or no regulated providers who will accept child care subsidy rates. Higher subsidy rates for regulated providers would encourage more providers to become licensed or registered. Other incentives to create additional regulated care slots such as loans for capital improvements and training for providers would also be helpful.

6. Ensure that child care and welfare advocates, low income parents and the child care community are involved in decision making. Parents and child care providers and their advocates will have the deepest understanding of what is needed and how best to deliver services and ensure that parents' child care rights are respected. They should be directly involved in decision making at all levels on issues affecting child care and welfare receipt.

METHODS APPENDIX

About the Parents We Surveyed

Most of the individuals we surveyed were female (97 percent) and identified themselves as either African-American/non-Latino (54 percent) or Caucasian/Latino (44 percent).[28] These demographic characteristics are consistent with studies of similar populations.[29] For 81 percent of the respondents, English was their first language. Of the over 200 children dependent on these parents, approximately one quarter were under age 3. Interestingly 24 percent of these parents reported particular difficulty in obtaining child care for their child due to their child's physical or mental disability.

The Study Design and Implementation

The goal of our study was to obtain cross-sectional data from individuals in New York City's BEGIN program. Our target population included individuals with dependent children under age 13 who had just met with a caseworker regarding a work assignment, a follow-up appointment or conciliation. To access this population, we focused on the clients at five of the eight identified City BEGIN centers, representative of BEGIN offices in these boroughs: Jamaica, Queens, Livingston, Brooklyn, Willoughby, Brooklyn, the Bronx and Manhattan.[30] Because we did not know which individuals were members of the target population, we approached all individuals exiting the center building[31] at each of these centers.[32] Two interviewers were stationed at the field sites for approximately 4-5 hours on two days in July 1999.

Of the 286 individuals approached at the five centers, we excluded individuals who were not part of the target population in two stages: immediately upon approach and through screening questions as the survey progressed. First, 34 individuals were immediately excluded because they were not participating in the welfare-to-work program (e.g. they were caseworkers or other employees of the building), they did not have children or because they were at the wrong center. Since we sampled all individuals leaving the BEGIN centers or buildings, we expected to approach many individuals who were not part of the target population. This exclusion was most often based

on non-participation in the welfare-to-work program. Of the remaining 252 individuals that were potentially part of the target population, 140 agreed to participate in the survey. This provided a 56 percent response rate, which is high for a study of this type.[22]

Each interviewer described the study to the potential respondent, and after an agreement to participate, the interviewers asked the survey questions verbally, in either English or Spanish, as necessary. The interviewer filled out a survey for each individual interviewed. The survey took approximately ten minutes to complete. Based on information provided as the interview progressed, an additional 48 individuals were excluded because they were not part of the target population. Most were excluded at this stage because they had not yet met with their caseworker.

These survey responses were entered as a data set and analyzed using the computer software program STATA. The data reported in this study reflect the responses of 92 members of the target population.

E N D N O T E S

[1]Welfare reform began with the enactment of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. § 602 et seq. (1999). That statute requires states to impose work requirements on single parent families with children who receive cash assistance. However, states may choose to exempt parents of children under one year of age from work participation requirements. 42 U.S.C. § 607(b)(5) (1999).

[2]In New York City, regulated child care (i.e. child care providers that are licensed or registered) is available for only one in three children under the age of six who need full-time care. For infant and toddler care the situation is worse – only 12 percent of infants needing care can access regulated slots. Child Care Inc., *A Child Care Primer: Key Facts About Child Care & Early Education Services in New York City* 33, 35 (1998).

[3]Under federal law, a parent's welfare benefits cannot be reduced or terminated if a parent is unable to comply with the work requirements due to the lack of appropriate child care. New York State law goes further. It guarantees child care assistance to parents on public assistance with children under the age of thirteen if parents need child care in order to participate in required work activities. 42 U.S.C. § 607(e)(2) (1999); N.Y. Soc. Serv. Law § 410-w (1999).

[4]Informal child care is care arranged by parents with a friend, relative or neighbor. Informal care is not regulated if fewer than three children are in care, although informal care providers must comply with certain health and safety standards. In contrast, New York has stringent standards for regulated child care providers such as licensed day care centers and registered family day care homes, including low staff-to-child ratios, emergency exits, background checks of staff, and other health and safety standards.

[5]A national study of child care found that children from low and moderate income families are more likely to be cared for in settings that do not meet quality standards. See Carnegie Corporation of New York, *Years of Promise: A Comprehensive Learning Strategy for America's Children* 57 (Sept. 1996). In addition, a more recent study of 1,000 single mothers moving from welfare to work found that many of their children were in low quality child care settings, and that the children lagged behind in language and social development. See Tamar Lewin, *Study Finds Welfare Changes Lead a Million Into Child Care*, N.Y. Times, February 4, 2000, at A17.

[6]See Child Care, Inc. *supra* note 2 at 11.

[7]*Id.* at 13.

[8]In New York City the maximum payment rates for licensed and unlicensed care vary considerably. Licensed family day care providers, group family day care providers and day care centers can receive up to $103, $135 and $170 a week respectively for the care of children between the ages of three and six. In contrast, the maximum weekly payment allowed for informal unlicensed providers is $77 for the care of children over the age of three. See New York State Office of Children and Family Services, Administrative Directive 00 OCFS ADM-1, *Child Care Revised Market Rates* (January 28, 2000).

[9]Mark Green, Public Advocate for the City of New York, *Welfare and Child Care: What About the Children?* 26 (1997).

[10]For instance, New York State has failed to spend funds available to provide child care for low and moderate income families due in part to the shortage of licensed child care providers. As a result, 82 percent of New York City families eligible for government-subsidized child care are not receiving it, and many families that do receive child care subsidies must rely on informal care. See Raymond Hernandez, *Albany Funds for Child Care Going Unspent*, N.Y. Times, Oct. 25, 1999, at B1. In addition, a recent report by the Children's Aid Society discussed the problems faced by thousands of low income families currently on waiting lists for subsidized child care due to New York City's child care shortage. Among other things, the report found that the lack of child care assistance placed emotional and financial strains on parents and children, jeopardized many parents' ability to work and caused many families to depend on unreliable, unregulated child care arrangements. See Natasha Lifton, The Children's Aid Society, *The Human Cost of Waiting for Child Care: A Study* 2-4 (1999).

[11]Under federal law, the City has the option of exempting parents of infants from the work requirements. 42 U.S.C. § 607(b)(5) (1999). However, it has not chosen this option.

[12]42 U.S.C. § 607(e)(2) (1999). Acceptable reasons for inability to obtain child care are: (1) unavailability of appropriate child care within a reasonable distance from the individual's home or work site; (2) unavailability or unsuitability of informal child care by a relative or under other arrangements; and (3) unavailability of appropriate and affordable formal child care arrangements. *Id.* However, it is important to note that the 60-month lifetime limit on receipt of welfare benefits continues to run even if a parent is unable to work due to lack of child care.

[13]45 C.F.R. § 261.56 (1999); 45 C.F.R. § 98.33 (1999).

[14]N.Y. Soc. Serv. Law § 342(1) (1999).

[15]N.Y. Soc. Serv. Law § 410-w(3) and N.Y. Soc. Serv. Law § 332-a (1999).

[16]N.Y. Soc. Serv. Law § 335(2)(a) (1999).

[17]N.Y. Soc. Serv. Law § 410-w(1) (1999).

[18]N.Y. Soc. Serv. Law § 342(1) (1999). In addition, if a parent needs help in obtaining a licensed provider, her caseworker must make phone calls to find two accessible and available providers with openings. See New York City Human Resources Administration, Family Independence Administration, *Child Care Procedures*, Section. 6.0 "Making the Appointment with Two Licensed Child Care Providers," (November 18, 1998).

[19]When Congress passed welfare reform legislation in 1996, it combined several federal child care programs for low income families into the existing Child Care and Development Block Grant (CCDBG). CCBDG funds are now used by states to provide child care subsidies to parents receiving public assistance. A state accepting funding under the CCDBG is required to provide assurances to the federal government that parents who are eligible for child care have a choice of funded child care options. See 42 U.S.C. § 9858 *et seq.* (1999).

[20]See House Committee on Economic and Educational Opportunities Recommendation on the Budget, Fiscal Year 1997, 1996 U.S.C.C.A.N. 2322, 2339.

[21]42 U.S.C. § 9858(c)(2)(A) (1999); 45 C.F.R. § 98.15 (1999).

[22]45 C.F.R. § 98.30(e)(1)(1999).

[33]Begin Employment Gain Independence Now (BEGIN) is New York City's welfare-to-work program. It is administered by the Office of Employment Services of the Human Resources Administration.

[34]A written referral contains the name, address, phone number and type of child care program.

[35]When a parent meets with her caseworker to receive a work assignment, she must return within ten days with child care in place or evidence that she has made a good faith effort to obtain child care. See New York City Human Resources Administration, Family Independence Administration, Policy Directive #99-71R 3 (November 1, 1999). The ten day return is an improvement over the City's prior policy of requiring parents to return within two to five days of their initial appointments. See New York City Human Resources Administration, Family Independence Administration, *Child Care Procedures supra* note 18 at Section 6.0.

[36]A study conducted by Child Care, Inc., found that after being provided with child care resource and referral services by Child Care, Inc., fewer than 15 percent of parents opted to remain in informal care arrangements as opposed to the 83 percent reported by the City/BEGIN. See Child Care, Inc., *Helping Public Assistance Families Make Good Child Care Choices: Pathways to Success, Report and Recommendations 6 (1998).*

[37]The Children's Aid Society child care study also documented the problems faced by low income New York City families who rely on informal care arrangements while waiting for subsidized child care. Many parents reported frequent breakdowns in child care which interfered with their ability to work, as well as concerns about the ability of caregivers to address their children's developmental needs. See Natasha Lifton, The Children's Aid Society *supra* note 10 at 3, 10-11.

[38]The remaining three percent identified themselves as Asian or Caucasian/non-Latino.

[39]The Children's Aid Society found similar demographic characteristics in their study of New York City parents on waiting lists for subsidized child care. See Natasha Lifton, The Children's Aid Society *supra* note 10 at 9. We were unable to obtain demographic information from the City of New York on the BEGIN participants.

[40]The Staten Island BEGIN center was not sampled because the research costs were prohibitive.

[41]The protocol deviated slightly at the Jamaica BEGIN center office where we were able to approach all individuals leaving the BEGIN office.

[42]This approach provided the least opportunity for selection bias compared to other methods available. While it is possible that some members of the target population exited the building from a back door, this is unlikely due to the security imposed at these buildings that makes it difficult to use alternative exits. Further, the exit rate at each of these centers was steady or infrequent. Because of this, we did not need to turn to systematic sampling (e.g. every third person.). We had two research team members at each sampling site. On the rare occasions that both members of the research team were engaged in an interview, some individuals were not approached for inclusion in the study. It is unlikely that these individuals were different in any way from the individuals who were approached for inclusion in the study that would affect the results of our findings.

[43]The reasons for not participating in the study varied, but most often, the respondents were too busy, were in a hurry or were simply not interested in answering questions in the excessive July heat. Six respondents did not participate because the interviewer did not speak adequate Spanish. Each research team included one Spanish-speaking individual. When that individual was not available, non-Spanish-speaking interviewers did not attempt to interview the respondent. While this might open the opportunity for sample bias (including fewer Spanish-

speaking respondents), we chose the more conservative route of avoiding language errors. We tested for significant differences among the individuals without English as their first language and others in the sample set and found no significant difference on any of the variables regarding child care or information given by the caseworkers in the survey. This suggests a minimal risk of response bias due to exclusion of six Spanish-speaking respondents who do not also speak English.